



Program Letter 15-6

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TO: All LSC Program Directors

FROM: James J. Sandman, President

A handwritten signature in blue ink, appearing to be "J. Sandman", is written over the "FROM:" line.

DATE: December 16, 2015

SUBJECT: Self-Inspection of 2015 CSR Data

The purpose of this Program Letter is to inform all Legal Services Corporation (LSC) programs that LSC will require each program to conduct a Self-Inspection of a sample of closed cases prior to submitting 2015 Case Service Reporting (CSR) data to LSC. The Self-Inspection must be completed, and the enclosed Certification and Summary Forms signed and submitted electronically to LSC, no later than February 16, 2016.

Introduction

The Self-Inspection process for the 2015 CSR is substantially the same as that for 2014.

LSC is committed to providing Congress and the public the most accurate information possible. Closed case statistics are a major component of the data on program activities collected by LSC and an important measure of the impact of federal funding on the civil legal problems of people living in poverty. The Self-Inspection helps ensure the accuracy of the 2015 CSR data and is also an important quality assurance tool for LSC programs and for LSC.

The Self-Inspection provides a national statistical measure of the accuracy of LSC grantee CSR reports. National CSR error rates were 4-5% range in 2001-2003, 3.9% in 2004, and 3.0-3.5% range in 2005-2014. The Self-Inspection therefore gives us useful validation for national CSR statistics.

The Self-Inspection also allows LSC to identify programs that are having difficulty with CSR reporting and to contact these programs to discuss these problems and provide technical assistance and training.

Many programs have used the Self-Inspection to identify weaknesses in their CSR reporting and case management systems. There is significance not just in the number of errors, but also in the type and distribution of errors. For example, two common problems are documentation of citizenship and lack of written evidence of legal advice or representation in the case file. Each of these can constitute the majority of a program's CSR errors, indicating a need to revise grantee procedures and remind staff of these requirements; alternatively, the errors may be concentrated in one office, indicating a need to train the staff of that office in CSR requirements.

Eligibility -- Reporting of Title III Cases and Expansion of Eligibility for Certain Aliens

Cases reported in the CSR must have, among other things, both financial and citizenship/alien eligibility documentation. However, the total number of cases funded under Titles III and IV of the Older Americans Act that lack financial eligibility documentation, but would otherwise be eligible, should be reported separately in the CSR (see Program Letter 03-2). Such cases do not count as part of the "total cases reported" for the purposes of the Self-Inspection. If any such cases occur in the Self-Inspection sample, they are to be counted as exceptions for lack of financial documentation. LSC keeps a separate total of such cases for other programmatic and reporting purposes.

Through the Violence Against Women Act 2006 Amendments (VAWA 2006), the Kennedy Amendment exception for service to otherwise ineligible aliens who have been battered or subjected to extreme cruelty was expanded to include additional allowable categories of clients and cases and to allow the use of LSC funds for such cases (see 45 CFR §1626.4, revised May 19, 2014). Similarly, under the Trafficking Victims Protection Act (TVPA), as amended in 2003, otherwise ineligible alien victims of a severe form of trafficking and certain family members are eligible for services (see 45 CFR §1626.4, revised May 19, 2014). **Consequently, such cases are considered LSC-eligible and may be reported without the documentation of citizenship or eligible alien status otherwise required in Section V of the 2008 CSR Handbook, as amended in 2011.**

The Self-Inspection Process

Standards for Accuracy – 2008 CSR Handbook, as amended 2011

Standards for accurate reporting of CSR data are contained in the 2008 CSR Handbook, as amended in 2011. Sections 3.2, 3.3, and 5.2 of the Handbook contain specific guidance on single recording of cases, timely closing of cases, and documenting client eligibility. Section VI of the 2008 CSR Handbook, as amended 2011, contains guidance on the reporting of different levels of case services, Section VII contains guidance on the reporting of referrals, and Section X contains guidance on reporting and documentation of PAI cases.

Sample Selection Procedure

To reach a level of absolute confidence that every 2015 closed case is accurately reported to LSC, program staff would need to review each individual case. For most programs, such a review would be impractical. Therefore, the Self-Inspection process relies on the selection of a sample of cases from which programs can draw some inferences about the overall number of cases reported to LSC. In order for the inferences to be reliable, the sample must be reasonably representative of the total number of cases reported to LSC.

The enclosed Sample Selection Procedure details a process for selecting a sample of cases for review. The Procedure requires programs reporting 2,000 or more total closed cases to select a sample of approximately 150 closed cases, and more in some large programs with multiple offices. Programs reporting 1,000 to 1,999 cases will need to select a sample of only 100 closed cases. Programs with fewer than 1,000 total closed cases will need to select a sample of 75 closed cases. Each grantee should document the steps taken in the Selection Procedure and should clearly indicate any departures from the Selection Procedure. Please send your queries to reporting@lsc.gov if you would like to discuss the sampling procedure.

Review of Sampled Cases – Use of Case Review Form

The purpose of the Self-Inspection process is to give programs a means to verify, by reviewing a sample of cases, that their CSR data meet LSC standards for accuracy. The enclosed Case Review Form contains a list of questions that identify key requirements for reporting a case to LSC. If the answers to the questions in the Case Review Form are generally “Yes,” then the sampled cases generally meet the requirements for reporting cases to LSC, and no further inquiry is necessary -- unless program staff have reason to believe that the sample selected was not representative of the total number of cases to be reported to LSC or, for other reasons, problems outside the sample would affect the accuracy of the CSR data.

If there are “No” answers to one or more of the applicable questions in 10 percent or more of the cases sampled (look to the Certification Forms, not the Summary Forms to calculate the 10% figure), or if the use of case management system queries reveals problems in a larger number of cases, then program staff will need to determine whether to initiate corrective action to remedy the problems identified.

For some problems, such as untimely closing of cases or duplicate reporting of cases in a particular branch office or unit, the effort needed to identify the total number of affected cases may be justified. Case management system queries and reports could provide an easy means of detecting such cases. To achieve accurate reporting of closed cases, further effort to correct problems might be justified, provided doing so would not have a disproportionate impact on client services. While the decision to undertake corrective action rests with the program, we strongly encourage consultation with LSC before initiation of any corrective action. Please email your queries to reporting@lsc.gov to consult with LSC as to whether corrective action is advisable or for other Self-Inspection questions. If general corrective action is not taken before submission of the CSR, any corrections in the sample cases must be carefully documented and

the documentation preserved with the case files, so the sample is preserved for any future review.

For each case in the sample, the enclosed Case Review Form must be completed, and a “Yes,” “No,” or NA (not applicable) answer must be recorded for all questions. Not all questions will be applicable to all cases. Upon completion, each Case Review Form must be retained for audit purposes.

Several questions in the Case Review Form require a determination whether a “notation” is present in the case file or in the case management system record. The following standards apply to these questions:

Questions (1) and (4) – Notation indicating no income or assets

A notation indicating that a client household has no income or assets may be the number zero, the word none or a similar descriptive term to that effect.

Question (4) - Receipt of government benefits

A notation indicating that a client receives government benefits that required testing for assets may be the name of the government agency, or a brief description of the type of benefits received.

Question (5) – Citizenship or alien eligibility – telephone cases

A notation indicating that a client in a telephone case is a citizen or an eligible alien may be the word “Yes,” the letter “Y,” or a checkmark or other written indication in the appropriate section of an intake sheet (See 2008 CSR Handbook, as amended 2011 Section 5.5).

Question (6) – Attestation of citizenship

The attestation signature may be on an intake sheet, retainer agreement or other document containing language stating that the client is a United States citizen. Whether in a separate document or not, it must be a separate signature tied directly to the citizenship attestation as provided in Section 5.5 of the 2008 CSR Handbook, as amended in 2011.

Use of Case Management System Queries

LSC encourages programs to use their case management systems to augment the Self-Inspection process. Case management system queries and reports can easily provide useful information about all closed cases, not just a sample of cases. For example, a case management system query could readily identify cases that lack either income or assets information. For assistance with case management system queries, please contact your vendor or LSC at reporting@lsc.gov.

Certification Process – Certification and Summary Forms

All programs must electronically submit Self-Inspection Certification and Summary forms to LSC by February 16, 2016, regardless of the results of the Self-Inspection.

Certification Form: This form requires submission of information about the number of cases found to have one or more problems in the Self-Inspection, as well as information about whether action was taken before, during, or after the Self-Inspection either to remedy problems found or not to report some cases at all. It also includes a report on the number of cases that were excluded (removed) from the CSR report because of corrective action taken **after** the Self-Inspection. The purpose of collecting this information is to enable LSC to determine the accuracy of CSR submissions and the frequency with which programs are unable to report cases because they do not meet LSC reporting requirements. **Please be sure to enter all requested information, especially inserting the number of cases reviewed and exceptions found, before submitting the Certification Form.**

Self-Inspection Summary Form: This form collects information about the types and frequency of exceptions noted during the Self-Inspection process. The twelve categories listed in the Summary Form correspond with the twelve questions in the Case Review Form. The “Numbers of Cases” column in the Summary Form should accurately reflect the numbers of sampled cases for which exceptions were noted (by “No” answers) in the completion of the Case Review Forms for cases sampled. The collection of this information will enable LSC and program staff to identify those areas where LSC reporting requirements may have been difficult to meet, as well as to indicate where programs should focus their efforts to achieve further improvements in the accuracy of their case reporting.

The Summary Form also collects information as to whether programs undertook any corrective action as a result of the Self-Inspection process that resulted in adjustments to the CSR data submitted to LSC. If corrective action is undertaken, it must apply to all affected cases, not just to cases in the Self-Inspection sample. Programs undertaking corrective action that resulted in adjustments to the CSR data submitted to LSC should note the categories in which they have taken corrective action in the Self-Inspection Summary Form. This information will enable LSC to determine the extent to which programs have been able to correct problems identified during the Self-Inspection process.

Attachments

- (1) Self-Inspection Certification Form (Sample - Actual Form is in the “Submit Form G-6” module in LSC Grants)
- (2) Self-Inspection Summary Form (Sample – Actual Form is in the “Submit Form G-6” module in LSC Grants)
- (3) Self-Inspection Case Review Form
- (4) Self-Inspection Sample Selection Procedure

Legal Services Corporation

Self-Inspection Certification Form

2015 Case Service Reporting Data

Recipient Name: _____ Recipient Number: _____

CERTIFICATION

Recipient certifies that it has completed the *Self-Inspection Procedure* as required by Program Letter 15-6. Pursuant to the instructions in the Program Letter:

- A) A representative sample of _____ cases out of the total number of closed cases being reported to LSC has been reviewed (You must enter a number greater than 0 in this field).
- B) One or more exceptions were noted in _____ of the cases in the sample. The accompanying Self-Inspection Summary Form accurately reports, by category, actual numbers of exceptions noted during the Self Inspection. (Note: the number entered must be smaller than the number in item A and may be 0).

Recipient further certifies that:

- 1) Some cases were excluded from the 2015 CSR data submitted to LSC as a result of a case review done *prior to* the Self-Inspection. Yes _____ No _____
- 2) Some cases were excluded from the 2015 CSR data submitted to LSC as a result of a case review done *after* the Self-Inspection. Yes _____ No _____ If yes, enter number of cases so excluded from report to LSC _____.
- 3) If cases were excluded as a result of a case review done *prior to* the Self-Inspection, they were excluded because (check all that apply):
- ☐ Income eligibility was not documented
 - ☐ Assets eligibility was not documented
 - ☐ Citizenship/alien eligibility was not documented
 - ☐ Evidence of actual legal assistance rendered to the client was not in the file
 - ☐ Case closure was not timely
 - ☐ Other (Specify)

If corrective action was taken *after* the Self-Inspection to exclude cases from the 2015 CSR data reported to LSC, the attached Self-Inspection Summary Form indicates in what categories such corrective action was taken.

Name of Executive Director

Legal Services Corporation Self-Inspection Summary Form 2015 Case Service Reporting Data

Recipient Name: _____ **Recipient Number:** _____

The numeric entries in the “Numbers of Cases” column of this form represent the numbers of cases in which exceptions were noted (by “No” answers) in individual Case Review forms completed in the Self-Inspection process required by Program Letter 15-6. The “Yes” or “No” entries in the “Corrective Action” column indicate whether the Recipient has (or has not) undertaken corrective action, not just in cases sampled in the Self-Inspection but also in affected cases outside the sample, which resulted in adjustments to the 2015 CSR data submitted to LSC.

Question	Type of Case	Numbers of Cases	Corrective Action (Yes/No)
(1)	Cases in which income information was not recorded		
(2)	Cases in which household income exceeded 200% of the poverty guidelines		
(3)	Cases in which household income was over 125%, but not over 200%, of the poverty line and the required documentation was not on file		
(4)	Cases in which assets information was not recorded		
(5)	Telephone cases in which citizenship/alien status was not noted (and client is not eligible under VAWA 2006 or TVPA – see 45 CFR § 1626.4, revised May 19, 2014)		
(6)	Non-telephone cases which lacked a citizenship attestation or documentation of alien eligibility (and client not eligible under VAWA 2006 or TVPA – see 45 CFR § 1626.4, revised May 19, 2014)		
(7)	Cases in which the casehandler was not an attorney or a person acting in the capacity of a paralegal		
(8)	Cases in which there is no written evidence of advice or representation		
(9)	Counsel & Advice or Limited Action cases opened prior to 10/01/14 and not falling under the exception in §3.3(a)(ii) of the 2008 CSR Handbook or, for PAI cases, the exception in §10.3 of the 2008 CSR Handbook, as amended 2011		
(10)	Extended service cases in which no legal assistance activity occurred in 2014 or 2015		
(11)	Cases in which the client is not identified by name		
(12)	Cases reported more than once in 2015 with the same client, problem code and set of facts		
(13)	Cases that do not fall within an eligible case type. (That is a restricted case type such as a class action, abortion case, redistricting case, representation of an incarcerated person, etc., or a case type that may be pursued only with non-LSC funds).		

Legal Services Corporation

Self-Inspection Case Review Form

2015 Case Service Reporting Data

Recipient Name: _____ Recipient Number: _____

The purpose of this form is to guide program staff reviewing sampled cases during the required Self-Inspection of 2015 Case Service Report (CSR) data. Not all questions in this form are applicable to all cases. The questions in this form may be answered from information contained either in a case file or in a case management system record.

Case Number: _____ Office: _____

Acceptance Date: _____ Closure Date: _____

Reviewer Name: _____ Date Reviewed: _____

Financial Eligibility Documentation – Income and Assets	
(1) Is there a specific amount of income recorded or a specific entry or notation (not a computer default) that the applicant's household has no income?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(2) Is the recorded amount of household income less than or equal to 200% of the poverty guidelines in effect at the time of case acceptance? (may be answered "yes" if client's income is over 200%, but client is eligible because client is seeking to maintain benefits provided by a governmental program under 45 CFR § 1611.5(a)(1) OR is eligible based on medical expenses approved by the Director or designee under 45 CFR § 11.5(a)(2))?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(3) If the recorded amount of household income is greater than 125%, but no more than 200% of the poverty line, is there documentation on file supporting the determination that applicant should nevertheless be considered eligible based on the exceptions in 45 CFR § 1611.5(a)(3) or the factors set out in 45 CFR § 1611.5(a)(4)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(4) Is there: (a) a specific amount of assets recorded, or (b) a specific entry or notation (not a computer default) that the applicant's household has no assets, or (c) a notation that the client is a recipient of benefits from a government program which tests for assets?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Recipient Name: _____ Recipient Number: _____

2015 Self-Inspection Case Review Form Page 2	
Citizenship/Alienage Documentation (Answer either Question 5 or 6, and answer the other question NA)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(5) If the case involves brief advice and consultation by telephone only, and does not involve continuous representation as provided by 45 CFR §§ 1626.6(a) and 1626.7(a), is there a notation that the client is either: (a) a citizen; (b) an eligible alien; or (c) eligible to receive legal assistance under the Kennedy Amendment as broadened by the VAWA 2006 or TVPA (see 45 CFR § 1626.4, revised May 19, 2015)?	
(6) If the case involves in-person contact with the client, or an exchange of correspondence in the course of continuous representation of the client, is there: (a) a signed citizenship attestation; (b) documentation of alien eligibility as required by 45 CFR §§ 1626.6(a) and 1626.7(a); or (c) a notation that the client is eligible to receive legal assistance under the Kennedy Amendment as broadened by the VAWA 2006 or TVPA (see 45 CFR § 1626.4, revised May 19, 2015)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Status of Casehandler	
(7) Is the casehandler either: (a) an attorney authorized to practice law in the jurisdiction where the assistance was rendered or (b) a person acting in the capacity of a paralegal under the direct supervision of an attorney in accordance with local rules of practice?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Level of Assistance Provided	
(8) In addition to a case closure category, is there written evidence demonstrating that the client received actual legal advice or representation within the definitions of the 2008 CSR Handbook, as amended 2011?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Recipient Name: _____ Recipient Number: _____

2015 Self-Inspection Case Review Form Page 3	
Timeliness of Case Closing (Answer either Question 9 or 10 and answer the other question NA)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(9) If the case involved only Counsel & Advice or Limited Action (CSR Categories A or B), was the case opened after September 30, 2014? Exceptions: this question should be answered “yes” even though the literal answer would be “no” for either: (1) a case opened September 30, 2014 or earlier, where there is documentation in the case file of a determination that the case should remain open into the following year (2015) as per § 3.3(a)(ii) of the 2008 CSR Handbook, as amended 2011, or (2) any PAI case opened any time in 2014, as per § 10.3 of the 2008 CSR Handbook, as amended 2011.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
(10) If the case was closed in an Extended Service category (CSR Categories F, G, H, I, K or L), was legal advice or representation provided to the client during 2015, was there an entry in the case management system or file in 2014 indicating that the case should be held open into 2015, or if neither of the above, was legal assistance provided to the client in 2014? (Note – while a case should be closed in the year in which legal assistance to the client is completed, § 3.3(b) allows programs to close an Extended Service case in 2015 if the file includes documentation of legal assistance rendered to the client in 2014).	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

Recipient Name: _____ Recipient Number: _____

2015 Self-Inspection Case Review Form Page 4	
Duplicate Cases	
(11) Does the case file or case management system identify the client by name and has the case list been checked to determine whether this client's name appears in any other 2015 case?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Answer Question 11 NA unless there is more than one 2015 case for the same client)	
(12) During 2015, if the same client received assistance in one or more other cases (including PAI cases), are the other case(s) either: (a) assigned different legal problem codes; or (b) distinguishable as involving different sets of facts?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Eligibility of Case Type	
(13) Is the case an eligible case type? (That means it is NOT a restricted case type such as a class action, abortion case, redistricting case, representation of an incarcerated person, etc., and also NOT a case type that may be pursued only with non-LSC funds).	<input type="checkbox"/> Yes <input type="checkbox"/> No

2015 Self-Inspection Sample Selection Procedure

Step (1) – Generate a list of closed 2015 cases for each recipient and subrecipient office.

Each list of closed 2015 cases should include only those cases which are reportable to LSC according to the 2008 CSR Handbook, as amended 2011. Private attorney involvement cases may be listed separately, or included in a list for a specific office. Each list should include a case number and other information necessary to locate sampled cases. Ideally, the lists should be ordered randomly, but they may be ordered by case number or date opened.

Step (2) – Determine the total number of closed 2015 cases for each office.

The number of closed 2015 cases for each office should be the number of cases listed for each office in Step (1).

Example:	Office 1	1,500 closed cases
	Office 2	500 closed cases
	Office 3	200 closed cases

Step (3) – Calculate the total number of closed 2015 cases for all offices combined.

The number calculated in this step is the sum of the numbers for each office in Step (2). It should reflect the total number of cases which would be reported to LSC as 2015 closed cases, including private attorney involvement cases.

Example:	Office 1	1,500 closed cases
	Office 2	500 closed cases
	Office 3	200 closed cases
	Total	2,200 closed cases

Step (4) – Divide the number of cases for each office by the total number of cases in (3)

The numbers calculated in this step are fractions of the total number of cases for all offices combined. For programs with one office, the result in this step is the number 1.

Example:	Office 1	1,500 divided by 2,200 equals .681
	Office 2	500 divided by 2,200 equals .227
	Office 3	200 divided by 2,200 equals .091

Step (5) – For each office, multiply the results in step (4) times the number 150 (when the program is reporting 2,000 or more closed cases), the number 100 (when the program is reporting 1,000-1,999 cases) or the number 75 (when the program is reporting less than 1,000 closed cases).

This step calculates the number of cases to sample in each office. The number 150 is the targeted total number of cases to sample for a program reporting over 1,999 closed cases.

Example:	Office 1	.681 times 150 equals 102.15
	Office 2	.227 times 150 equals 34.05
	Office 3	.091 times 150 equals 13.65

Step (6) – For each result in step (5), round up to the next largest whole number

This step rounds the numbers of cases in step (5) to whole numbers. The results in this step are the numbers of cases which should be sampled in each office.

Example:	Office 1	102.15 rounded up is 103
	Office 2	34.05 rounded up is 35
	Office 3	13.65 rounded up is 14

Step (7) – For any number which is less than 15 in step (6), increase the number to 15.

This step checks to see if, for any office, the number of cases to be sampled is less than 15. The number 15 is the minimum number of cases to sample in any one office.

Example:	Office 1	103 remains the same
	Office 2	35 remains the same
	Office 3	14 is increased to 15

Step (8) – For each office, divide the result in (2) by the corresponding result in (7).

Given the number of cases to be sampled in each office, this step calculates the increment between each case for the purposes of selecting cases for the sample.

Example:	Office 1	1,500 divided by 103 is 14.56
	Office 2	500 divided by 35 is 14.29
	Office 3	200 divided by 15 is 13.33

Step (9) – For each result in (8), eliminate decimal places to arrive at a whole number

This step truncates the results in Step (8) to arrive at whole numbers. The numbers are the increments for selecting cases from the case lists for each office. The numbers for each office should be the same, unless the sample size for an office was increased to 15 in step (7). If the numbers are not the same, and no number was increased to 15 in step (7), then there has been a miscalculation in one of the preceding steps.

Example:	Office 1	14.56 truncated is 14
	Office 2	14.29 truncated is 14
	Office 3	13.33 truncated is 13

In this example, the number 14 is the increment for selecting individual cases from the lists of cases for offices 1 and 2; 13 is the increment for office 3. Thus, every 14th case would be selected from the lists for offices 1 and 2 and every 13th case would be selected for office 3.